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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,766	12/30/1999	BRYAN J. MOLES	SAMS01-00098	6831

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EXAMINER

NALVEN, ANDREW L

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 11/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/475,766

Applicant(s)

MOLES ET AL.

Examiner

Andrew Nalven

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5-7 and 13-15 recite the limitation "said second controller." There is insufficient antecedent basis for this limitation in the claim. The examiner has interpreted the limitation to read "second controller" during the examination of the present application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 8-14, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al US Patent No. 6,587,684 in view of Nordman US Patent No. 6,061,346. Hsu teaches a system for downloading updates to a digital phone using

wireless data link protocols. Nordman teaches a secure access method for a private IP network.

5. With regards to claims 1, 8-9, and 16, Hsu discloses a first controller (column 14, lines 65-67) receiving an IP data packet comprising a header and payload (column 6, lines 22-25 and column 15, lines 1-9) from an unprovisioned mobile station (column 14, lines 19-21). Hsu lacks a reference to the first controller encrypting a portion of the received packet. Nordman teaches a controller receiving packets from a wireless station and encrypting the packets (Nordman, column 10, lines 33-43). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Nordman's method of encrypting received IP packets because it offers the advantage of providing the secure transmission of packets between a router and a secure network (Nordman, column 3, lines 33-43).

6. With regards to claims 2 and 10, Hsu as modified teaches a first controller disposed in a base station (column 6, lines 25-30).

7. With regards to claims 3 and 11, Hsu as modified teaches a first controller disposed in a mobile switching center (column 6, lines 25-30).

8. With regards to claims 4, 12, and 17, Hsu as modified teaches a second controller capable of determining that a mobile station is unprovisioned (column 15, lines 13-27).

9. With regards to claims 5, 13 and 18, Hsu as modified teaches a second controller determining that a mobile station is unprovisioned if it is unable to authenticate to the wireless network (column 15, lines 13-27).

10. With regards to claims 6, 14, and 19, Hsu as modified teaches a second controller determining a mobile station is unprovisioned according to a predetermined telephone number associated with the provisioning process (column 14, lines 19-27).

11. Claims 7, 15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al US Patent No. 6,587,684 and Nordman US Patent No. 6,061,346 as applied to claims 1 and 9 above, and further in view of Houde US Patent No. 6,032,043. Hsu and Nordman, as described above, lack a reference to a second controller determining that a mobile station is unprovisioned through data associated with a home location register. Houde teaches that the home location register can be queried for information regarding authorized features on a mobile handset (column 4, lines 38-61). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Houde's method of using home location register information because it offers the advantage of allowing the activation, deactivation, and execution of service features at command of the user (Houde, column 1, lines 33-47).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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13. Any inquiry regarding this communication from the examiner should be directed to Andrew Nalven at (703) 305-8407 during the hours of 7:15 AM – 4:45 PM Monday through Thursday. The examiner can also be reached on alternate Fridays.

In the event that attempts to reach the examiner are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (703) 308 – 4789.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(703) 872-9306 (for formal communications intended for entry)

Or:


(703) 872-9306 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA 22202, Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Andrew Nalven

ALN


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100